



CRL OP(MD). No.22939 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.22939 of 2024

Prakash @ Selva Prakash

...Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,
Rep., by Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No.411/2024)

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian
Advocate.

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.411 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/5th Accused, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 191(2), 296(b), 115(2), 118(1),



CRL OP(MD). No.22939 of 2024

303(2), 324(4) and 351(3) of BNS in Crime No.411 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Suthan, working as a Mechanic, lodged a complaint before the respondent police on 16.12.2024 alleging that there was a dispute between Pulluvilai and Parutthivilai Villagers regarding administration of Sudalaimadasamy Temple. On 15.12.2024, at about 6.10 pm., while the defacto complainant was travelling in his two wheeler at Parutthivilai Santhi Nilaiyam, one Palavesamuthu and his wife Malliga waylaid the defacto complainant, abused him using filthy language and pulled him and snatches two sovereigns of gold chain from him and thereafter, the other accused caused injuries all over the body. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) submits that the petitioner along with other accused persons assaulted the defacto complainant with deadly weapons and caused injury to him. Hence, he objected to grant anticipatory bail to the petitioner. He further submitted that the injured is discharged from the hospital and there is a case in counter. He also submitted that the co-accused were released



CRL OP(MD). No.22939 of 2024

on bail.

WEB COPY

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by the learned counsel on either side, the nature of offences charged against the petitioner, that there is a dispute pending between the parties in respect of the temple and that the injured is discharged from hospital and there is a case in counter and that the co-accused were released on bail, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner are ordered to be released on anticipatory bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District and on further conditions that:

[b] the petitioner shall report before the respondent Police on every Saturday at 10.00 A.M. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during



CRL OP(MD). No.22939 of 2024

investigation or trial.

WEB COPY

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

/ 01 / 2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ABR

TO

1 THE JUDICIAL MAGISTRATE
NO.I, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



CRL OP(MD). No.22939 of 2024

3. THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22939 of 2024
Date :27/12/2024

PSP/ SKN /SAR /02.01.2025/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023